

ORDER

Plaintiff’s motion also requests that he be appointed counsel for the remainder of this action. There is no constitutional right to the appointment of counsel in civil cases. *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 269 (9th Cir. 1982). Pursuant to 28 U.S.C. § 1915(e)(1), the court “may request an attorney to represent” litigants proceeding in forma pauperis. *Id.* The statute does not require the court to appoint counsel to represent such litigants, but only to request such

1 representation on a pro bono basis. *See Mallard v. United States Dist. Ct.*, 490 U.S. 296, 304–05
2 (1989); *United States v. 30.64 Acres of Land*, 795 F.2d 796, 798–804 (9th Cir. 1986).

3 A court may only designate counsel pursuant to 28 U.S.C. § 1915(d) in exceptional
4 circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). In determining whether
5 counsel should be appointed, the Court has discretion to consider four relevant factors: (1) the
6 plaintiff's financial resources; (2) the efforts made by the plaintiff to secure counsel; (3) the
7 meritoriousness of the plaintiff's claim; and (4) the ability of the petitioner to articulate his claims pro
8 se in light of the complexity of the legal issues involved. *Ivey*, 673 F.2d at 269; *Wilborn*, 789 F.2d at
9 1331.

10 Here, Plaintiff has not established that exceptional circumstances exist to justify the
11 appointment of counsel. Plaintiff's motion fails to set forth any reason why he should be afforded
12 counsel. Thus, the Court is unable to consider the relevant factors discussed above and as a result, the
13 Court will deny Plaintiff's request. Plaintiff may re-file a motion for appointment of counsel that
14 provides the Court with sufficient information establishing that exceptional circumstances exist.
15 Accordingly,

16 **IT IS HEREBY ORDERED** that Plaintiff's Motion to be Excluded from the Inmate
17 Mediation Program (#31) is **denied**.

18 DATED this 12th day of May, 2016.

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21 GEORGE FOLEY, JR.
22 United States Magistrate Judge
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